

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE  
EIGHTH CIRCUIT**

MOTION FOR ENLARGEMENT OF TIME  
WITHIN WHICH TO FILE APPELLANTS OPENING  
BRIEF WITH SUGGESTIONS IN SUPPORT

Appellant's opening brief is due on September 7, 2016. Undersigned counsel represented defendant in the district court. Appellant is now indigent. This court has approved a waiver of filing fees and has ordered that appellant be provided with a copy of the sentencing transcript free of charge.

The only issue for appeal is a question of the reasonableness of the sentence imposed which was greater than that calculated by probation and accepted by the court as controlling. The court imposed a sentence that was above the recommended bracket as finally determined after considering all objections.

The transcript in this case is vital to briefing of the appeal. That transcript was just this day filed of record in the case. Appellant needs an enlargement of time to now review that transcript and prepare his opening brief.

WHEREFORE, appellant moves the court for an enlargement of 14 days within which to file his brief.

/s/

John R. Osgood  
Attorney at Law, #23896  
112 SW 3<sup>rd</sup> Street  
Lee's Summit, MO 64063  
Email: [jrosgood@earthlink.net](mailto:jrosgood@earthlink.net)  
Office Phone: (816) 525-8200  
Fax: 525-7580

PRO BONO counsel for appellant Irvin.

#### CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been caused to be served on the Assistant United States Attorney for Western District of Missouri and other ECF listed counsel through use of the Electronic Court Document Filing System on September 7, 2016, 2016.

/s/

JOHN R. OSGOOD